

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

B.R.L., by and through his Guardian Ad Litem, FRANCESCA LARA, and MIGUEL LARA,

Plaintiffs,

v.

ADVENTIST HEALTH
BAKERSFIELD, et al.,

Defendants.

Case No. 1:21-cv-01445-JLT-CDB

ORDER REQUIRING THE PARTIES TO SHOW CAUSE WHY SANCTIONS SHOULD NOT BE IMPOSED FOR FAILURE TO TIMELY FILE PETITION(S) FOR MINOR'S COMPROMISE

(Doc. 39)

THREE-DAY DEADLINE

B.R.L., by and through his Guardian Ad Litem, Franchesca Lara, and Miguel Lara, bring this medical malpractice action alleging negligence by health care providers prior to B.R.L.'s birth. (Doc. 1).

On December 22, 2023, the parties filed a joint pre-trial conference statement which informed the Court that Defendant San Joaquin Community Hospital d/b/a Adventist Health Bakersfield reached an agreement to settle claims between itself and Plaintiffs and that Plaintiffs intend to file a petition for minor's compromise in connection with that settlement. (Doc. 35 p. 1). The parties further represented their anticipation that the upcoming trial would address only Plaintiffs' claims against Defendant the United States of America. *Id.* The Court issued a pretrial order confirming trial to commence on March 5, 2024. (Doc. 37).

Thereafter, on January 24, 2024, Plaintiffs and Defendant the United States of America filed a joint notice of settlement pursuant to Local Rule 160 in which the parties expressed their intention to file a motion seeking approval of their settlement. *Id.*

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1 On January 31, 2024, the Court entered an order vacating trial and all related dates. (Doc.
2 39). The Court further ordered the parties to file petitions seeking Court approval of minor's
3 compromise within 21 days (e.g., no later February 21, 2024). *Id.* Over 21 days have passed and
4 the parties have failed to timely file a petition for minor's compromise or any other filing
5 explaining their delinquency.

6 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these Rules
7 or with any order of the Court may be grounds for imposition by the Court of any and all
8 sanctions ... within the inherent power of the Court.” Further, the Court has the inherent power
9 to control its docket and may, in the exercise of that power, impose sanctions where appropriate,
10 including dismissal of the action. *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir.
11 2000).

12 Based on the foregoing, IT IS HEREBY ORDERED that **within three (3) days of entry of**
13 **this Order**, the parties shall show cause in writing why they should not be sanctioned for failing
14 to timely comply with the Court's order to file a petition for minor's compromise. Alternatively,
15 the parties may comply with this Order by filing the required petition(s) for minor's compromise
16 by that same deadline.

17 **Failure to timely comply with this Order will result in the imposition of sanctions, up**
18 **to and including dismissal of the action.**

19 IT IS SO ORDERED.

20 Dated: February 23, 2024


UNITED STATES MAGISTRATE JUDGE

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